UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ALICIA HOPPER, :

Plaintiff,

against -

BANANA REPUBLIC, LLC, BANANA REPUBLIC, INC., and THE GAP, INC.,

Defendants.

07-CIV-8526 (WHP)(THK)

NOTICE OF MOTION TO DISMISS THE COMPLAINT, OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 12(b)(6), and upon (1) the attached Declaration of Jeremi L. Chylinski, together with Exhibit A thereto; (2) Defendants'

Memorandum of Law In Support Of Their Motion to Dismiss Plaintiff's Complaint, Or In The Alternative For Summary Judgment, together with Exhibit A thereto; and (3) Defendants'

Statement Of Material Facts Pursuant To Local Civil Rule 56.1, Defendants Banana Republic,

LLC, Banana Republic, Inc., and The Gap, Inc. (collectively, "The Gap") hereby move for an

Order (i) dismissing Plaintiff's Complaint in its entirety pursuant or in the alternative granting

summary judgment; and (ii) granting such other and further relief as this Court may deem just

and proper.

As per the Scheduling Order that was So Ordered by The Honorable William H. Pauley, III on November 9, 2007, Plaintiff shall serve and file her opposition to this motion on December 21, 2007, The Gap shall serve and file a reply by January 4, 2008, and oral argument shall take place on January 25, 2008.

Dated: November 30, 2007 New York, New York

Respectfully submitted,

SEYFARTH SHAW LLP

Robert S. Whitman (RW-1140) Jeremi L. Chylinski (JC-3196)

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Attorneys for Defendants

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	
ALICIA HOPPER,	:
Plaintiff, - against - BANANA REPUBLIC, LLC, BANANA REPUBLIC, INC., and THE GAP, INC.,	: 07-CIV-8526 (WHP)(THK) : E-FILED : :
Defendants.	: : x
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CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2007, I electronically filed the foregoing Declaration of Jeremi L. Chylinski, together with Exhibit A thereto, Defendants' Memorandum of Law In Support Of Their Motion to Dismiss Plaintiff's Complaint, Or In The Alternative For Summary Judgment, together with Exhibits A, B and C thereto, and Defendants' Statement Of Material Facts Pursuant To Local Civil Rule 56.1, with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Derek T. Smith Akin & Smith, LLC. 305 Broadway, Suite 1101 New York, New York 10007 (212) 587-0760

Attorneys for Plaintiff

Jeremi L. Chylinski (JC 3196)